

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. James Eldred Buffkin

Docket No. 7:04-CR-111-1

Petition for Action on Probation

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of James Eldred Buffkin, who, upon an earlier plea of guilty to 18 U.S.C. § 1347 and 2, Healthcare Fraud and Aiding and Abetting; and 21 U.S.C. § 846, Conspiracy to Distribute and Possess with the Intent to Distribute Schedule II Narcotic Controlled Substances was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 12, 2005, to a 90 month term of imprisonment, followed by a 36 month term of supervised release under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall pay restitution of \$90,906.64.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Mr. Buffkin is currently being supervised in the District of South Carolina by U.S. Probation Officer Bryant Sowell. Mr. Buffkin was previously reported to the court on August 9, 2011, for using prescription medications not prescribed for his use, and failure to pay regular payments toward the restitution imposed. The court agreed to continue supervision and hold this matter in abeyance. USPO Sowell is now reporting Mr. Buffkin has incurred another positive drug test on July 11, 2012, for codeine and morphine, which are not prescribed for his use. Furthermore, based on information contained in a report from the South Carolina Department of Health and Environmental Control, it appears Mr. Buffkin is "doctor shopping" by using legitimate prescriptions to obtain other medications. However, it may be difficult for our office to prove this allegation in a violation hearing. As such, USPO Sowell recently confronted Mr. Buffkin regarding these violations and he is recommending the court impose a condition of supervised release requiring Mr. Buffkin to be

James Eldred Buffkin
Docket No. 7:04-CR-111-1
Petition For Action
Page 2

placed in a Residential Re-Entry Center for a period of 6 months. This will enable the probation office to better monitor Mr. Buffkin's compliance and refer him to an appropriate substance abuse treatment program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall undergo placement in a residential reentry center for a period of 6 months as arranged by the probation office and shall abide by the conditions of that program during said placement.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
Phone: 910-815-4857
Executed On: September 4, 2012

ORDER OF COURT

Considered and ordered this 4th day of September, 2012, and ordered filed and made a part of the records in the above case.

James E. Fox
James C. Fox
Senior U.S. District Judge